

## **Amendments to the Claims**

The following listing of claims will replace all prior versions and listings of claims in the application:

### **Listing of Claims**

Claims 1-9 (canceled)

Claim 10 (Amended): An apparatus for substantially closing a vascular opening in a vessel while permitting post operative blood flow through said vessel which comprises:

a housing having proximal and distal ends, and a defining longitudinal axis;

at least two tissue engaging members disposed adjacent the distal end of the housing, ~~wherein~~ said tissue engaging members being movable relative to said housing and adapted to cooperate to engage vascular tissue adjacent the vascular opening such that the vascular tissue is oriented in a predetermined ~~relation~~ orientation; and

at least two jaw members positioned adjacent said tissue engaging members, said jaw members adapted for seizure of the vascular tissue in the predetermined orientation ~~surrounding the vascular opening~~ when in an open position of said jaw members, drawing together the vascular tissue during closing of said jaw members, and rendering the vascular tissue in adjacent relation when in a closed position of said jaw members.

Claim 11 (Previously Presented): The apparatus of claim 10 wherein each of said tissue engaging members is composed, in whole or in part, of a shape member

material such that each of said tissue engaging members is adapted to assume a normal unstressed condition upon deployment.

Claim 12 (Previously Presented) : The apparatus of claim 11 wherein the each of said tissue engaging members includes a distal portion configured in a general hook or J-shaped configuration in the normal unstressed condition.

Claim 13 (Amended) The apparatus of claim 12 including a deployment member connected to said tissue engaging members such that said tissue engaging members are manually deployable to move relative to the housing to engage the vascular tissue and orient the vascular tissue in the predetermined orientation.

Claim 14 (Previously Presented) The apparatus of claim 10 including an elongated shaft at least partially disposed in said housing.

Claim 15 (Previously Presented) The apparatus of claim 14 wherein said elongated shaft includes a longitudinal slot for accommodating said tissue engaging members.

Claim 16 (Previously Presented) The apparatus of claim 10 wherein at least one of said jaw members includes an attachment member wherein said attachment member serves to adjoin the tissue adjacent said vascular opening.

Claim 17 (Previously Presented) The apparatus of claim 16 wherein said attachment member is conductive.

Claim 18 (Previously Presented) The apparatus of claim 17 wherein said attachment member is adapted to transmit thermal energy through application of an energy source thereto, thereby thermally fusing the vascular tissue surrounding the vascular opening.

Claim 19 (Previously Presented) The apparatus of claim 10 including a movable actuator connected to at least one of said jaw members such movement of said jaw members from said open position to said closed position corresponds with movement of said actuator.